

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

EMBER RUSSELL,

Plaintiff,

v.

LONG VIEW RECREATIONAL
VEHICLES, INC. AND LONG VIEW
RV SUPERSTORES,
Defendant.

CIVIL ACTION NO. 04-30031-KPN

DEFENDANTS' MOTION TO COMPEL DISCOVERY RESPONSES

Pursuant to Fed.R.Civ.P. 37 and LR 37.1, defendants file this *Motion To Compel Discovery Responses* and respectfully avers as follows:

1. Defendants mailed interrogatories and requests for production of documents to counsel for plaintiff on August 11, 2004.
2. On September 27, 2004, the plaintiff filed objections to Interrogatories Nos. 8 And 15 and Requests For Production Of Documents Nos. 1, 3-5.
3. On October 4, 2004 Defendants wrote to plaintiff contending that the objections to the aforementioned discovery requests were unjustified and requesting a discovery conference.
4. The parties conducted a discovery conference pursuant to LR 37.1 on November 4, 2004 via telephone. Counsel for the defendants conferred in good faith with counsel for the plaintiff to resolve the matter by agreement, but counsel have been unable to do so.
5. As further supported in the accompanying memorandum of law, there is no justification for the objections to the discovery requests, several of which plaintiff refused to answer. Accordingly, the defendants seek to recover its reasonable expenses and attorney's fees from the plaintiff.

WHEREFORE, the defendants move that this court, pursuant to Fed.R.Civ.P. 37 and LR 37.1, and based on the supporting memorandum of law which accompanies this motion, grant the following relief: (1) that the plaintiff be ordered to answer and/or respond to the discovery requests to which she objects immediately or her cause of action be dismissed; (2) that the defendant be awarded its reasonable expenses and attorney's fees as a result of filing this motion as the plaintiff's objections are not

substantially justified; and (3) that such other relief as this court may find just be granted.

CERTIFICATION OF COMPLIANCE WITH LR 37.1(B)

I certify that I conferred in good faith with counsel for the plaintiff to resolve or narrow the issues raised in this motion during a discovery conference, and have not been able to reach agreement on the discovery requests which are the subject of this motion.

THE DEFENDANTS

By their attorney,

/s/ Timothy F. Murphy
Timothy F. Murphy, Esq.
BBO #556429
Counsel for Defendants
Skoler, Abbott & Presser, P.C.
One Monarch Place, Suite 2000
Springfield, Massachusetts 01144

Dated: January 4, 2005 Tel.: (413) 737-4753/Fax: (413) 787-1941

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Defendants' Motion To Compel Discovery Responses*, was served upon the attorney of record for each other party by electronic delivery on January 4, 2005.

/s/ Timothy F. Murphy
Timothy F. Murphy, Esq.

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